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Via ECF & First Class Mail

Honorable Michael L. Orenstein, U.S.M.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: *Richard Gravina, et al. v. National Enterprise Systems, Inc., et al.*  
Case No.: 09-cv-2942 (JFB)(MLO)

Dear Judge Orenstein:

My office, together with co-counsel, represents the plaintiffs in two statewide class actions pending in the federal district courts in Florida: *Capote et. al. v. National Enterprise Systems, Inc.*, Case No. : 0:2010-cv-61140 (S.D.Fla.), and *Dawson v. National Enterprise Systems, Inc.*, Case No. : 6:2010-cv-1048-Orl-28GJK (M.D.Fla.). The attorneys for both parties in this case—*Gravina v. National Enterprise Systems, Inc.*—have recently advised this Court that they propose to settle as a no-notice nationwide class under Fed.R.Civ.P. 23(b)(2) that will wipe out the ability to certify a class action anywhere in the nation in exchange for a token *cy pres* payment, a payoff to Richard Gravina and the other named plaintiffs, and attorney fees to his counsel.

My review of the court docket shows that a settlement conference is scheduled for September 14, 2010, before Your Honor. I am writing to advise that within the next two weeks, my colleagues and I plan on filing a motion to intervene in order to object to the proposed settlement. Accordingly, I request that any further settlement discussions should be held in abeyance until my colleagues and I have been granted leave to intervene on behalf of our Florida clients.

Thank you for your attention to this matter.

Respectfully,

Brian L. Bromberg

cc: Honorable Joseph F. Bianco, U.S.D.J. (Via ECF & First Class Mail)  
Robert L. Arleo, Esq. (Via ECF)  
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